



## COMMUNITY DEVELOPMENT DEPARTMENT

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### PLANNING COMMISSION MEETING MINUTES

#### REGULAR MEETING

JANUARY 12, 2010

PRESENT: Tanda, Mueller, Escobar, Hart, Koepp-Baker, Liegl, Moniz

ABSENT: None

LATE: None

STAFF: Planning Manager (PM) Rowe, Deputy Public Works Director (DPWD) Bjarke, Senior Civil Engineer (SCE) Behzad, Senior Civil Engineer (SCE) Creer, and Development Services Technician (DST) Bassett.

Chair Tanda called the meeting to order at 6:59 p.m., inviting all present to join in reciting the pledge of allegiance to the U.S. flag.

#### DECLARATION OF POSTING OF AGENDA

Development Services Technician Bassett certified that the meeting's agenda was duly noticed and posted in accordance with Government Code Section 54954.2.

#### OPPORTUNITY FOR PUBLIC COMMENT

Chair Tanda opened, and then closed, the floor to public comment for matters not appearing on the agenda, as none were in attendance indicating a wish to address such matters.

#### MINUTES:

October 20, 2009

**COMMISSIONERS MUELLER AND KOEPP-BAKER MOTIONED TO APPROVE THE OCTOBER 20, 2009 MINUTES WITH THE FOLLOWING REVISIONS:**

**Page 8, paragraph 2** **COMMISSIONERS MUELLER/ESCOBAR MOTIONED to NOT delete Section 18.24.080(C) of the CC-R district; instead to add language to state that only one detached dwelling unit per parcel is allowed, one secondary dwelling of \_\_\_\_ size is allowed on a \_\_\_\_ size lot (staff to propose appropriate numbers for blanks) on a lot size of 6,000 square feet.**

**PLANNING COMMISSION MEETING MINUTES**

**JANUARY 12, 2010**

**PAGE 2**

**December 8, 2009**

**COMMISSIONERS MUELLER AND ESCOBAR MOTIONED TO APPROVE THE DECEMBER 8, 2009 MINUTES.**

**THE MOTION PASSED (7-0-0-0) WITH THE FOLLOWING VOTE: AYES: UNANIMOUS; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.**

**PUBLIC  
HEARINGS:**

None.

**1) ZONING  
AMENDMENT, ZA-  
09-12: CITY OF  
M.H. – ZONING  
TEXT  
AMENDMENT:**

Amendment to Chapters 18.02 and 18.74 of the Morgan Hill Municipal Code, amending the public notice and public hearing requirement for design permits and major modification of design permits, and amending Chapter 18.54 of the Municipal Code, eliminating the requirement for a temporary use permit for model home complexes for residential subdivisions.

Planning Manager James Rowe presented his staff report.

Tanda opened and closed the floor to public comment.

**COMMISSIONERS MUELLER AND ESCOBAR MOTIONED TO CONTINUE AGENDA ITEM 1 TO JANUARY 26, 2010.**

**THE MOTION PASSED (7-0-0-0) WITH THE FOLLOWING VOTE: AYES: UNANIMOUS; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.**

**2) GENERAL PLAN  
AMENDMENT,  
GPA-09-08: CITY  
OF M.H.-BIKE  
/TRAILS  
MASTER PLAN  
UPDATE:**

A proposed amendment to Circulation section to the Morgan Hill General Plan as required adopting the Trails and Natural Resources Master Plan. Map 5, the iBikeways Plan is also proposed to be amended to be consistent with a 2008 Bikeways Master Plan Update.

Rowe explained what a General Plan Amendment is and presented his staff report. There are two actions that need to be taken: 1) To approve the Environmental Negative Declaration; and 2) to approve the Modified Resolution and recommend City Council approval. The Environmental Quality Act requires environmental impacts to be evaluated near trails and streams. An initial study was done. The recommendation is that the Planning Commission approve the Environmental Negative Declaration and adopt the modified Resolution. The Planning Commission will then recommend to the Council that they replace the 2001 map and bicycle plan with the new map.

Tanda opened and closed the floor to public comment.

Tanda: I want to thank all those who helped with the study and preparation of the documents.

Liegl: It was one of the most thorough documents I have ever read.

Mueller: Does this plan meet or exceed the minimums necessary to qualify for grants?

**PLANNING COMMISSION MEETING MINUTES**

**JANUARY 12, 2010**

**PAGE 3**

Rowe: Yes

**COMMISSIONERS MUELLER AND ESCOBAR MOTIONED TO APPROVE THE MITIGATED NEGATIVE DECLARATION.**

**THE MOTION PASSED (7-0-0-0) WITH THE FOLLOWING VOTE:**

**AYES: UNANIMOUS; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE**

**COMMISSIONERS MUELLER AND ESCOBAR MOTIONED TO APPROVE THE MODIFIED RESOLUTION.**

**THE MOTION PASSED (7-0-0-0) WITH THE FOLLOWING VOTE:**

**AYES: UNANIMOUS; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE**

**OTHER  
BUSINESS:**

None.

**3)AMENDED  
BUILDING  
ALLOTMENT  
DISTRIBUTION  
FOR FISCAL  
YEAR 2011/12:**

Rowe presented his staff report.

Tanda opened and closed floor to public comment and turned the discussion over to the Planning Commission.

Meuller: This is just a consensus vote at this time, right? But it is important to try to award all allocations.

Tanda asked for consensus.

Liegl opposed, stating the need to award all allocations in order to give units to senior and low income projects.

Rowe: There were no applications for projects in those categories.

Mueller: The Initiative ties our hands in effect. If nobody files in a category then those allocations go away this year, but they would come back in a later year. Every year defines the next year's competition. The fact that we are awarding now allows us to close the books. We'll have a chance to come back and build up later. The City of Morgan Hill does have a history of providing a good representation for all housing types.

Tanda: I believe we're adding around 200 units to approved projects that are ready to proceed. How many of those are senior?

Rowe: There is a 49 unit senior housing project (E Central Ave-UHC) that plans to pull permits in the spring.

Mueller: There are two other projects. 99 units on Cochrane (Assisted Living Units), which were not part of the RDCS competition but which are presently under construction, and 40 units on Diana Avenue (Diana-EAH). There are also 150 low income units coming on line as part of the open market allocations (BMR).

Tanda: Is there a consensus to move forward with the building allotment

# PLANNING COMMISSION MEETING MINUTES

JANUARY 12, 2010

PAGE 4

distribution as recommended?

THERE WAS A CONSENSUS OF THE COMMISSION TO ADOPT THE BUILDING ALLOTMENT DISTRIBUTION AS RECOMMENDED ON TABLE 1.

Tanda: Would you like to defer the discussion of possible distribution of affordable building allocations in subsequent RDSCS competitions?

THERE WAS A CONSENSUS OF THE COMMISSION TO DEFER THE DISCUSSION OF FUTURE AFFORDABLE BUILDING ALLOCATIONS.

## **4)ADJUSTMENT OF RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (RDSCS) POINT RECOMMENDATIONS:**

Rowe presented his staff report. He discussed projects with items that needed point adjustments. He noted that the point adjustments did not change the outcome or ranking of the projects.

Tanda opened and closed the floor to public hearing and turned the item over to the Planning Commission for discussion.

Tanda: Which projects will we *not* be voting on?

Rowe: 09-04 (Cochrane-Borello); 09-06 (Monterey-Dynasty); and 09-08 (E Dunne-South Valley Developers).

Bill McClintock of MH Engineering took the floor to answer questions about the Santa Teresa-Garcia (MC09-07) project.

Moniz: Does the property extend to Llagas Creek?

Bill McClintock of MH Engineering: We asked for points relative to Natural and Environmental. Control of the strip in question will be by the Water District. Staff did not have any detail as to why we did not conform to the criteria. They have come back to say we do not have enough buffer, but we feel they are getting too specific at this stage to make that determination.

Moniz: Is it an open space area that is going to be maintained? If so, it seems the point should be awarded. What was the intent?

Rowe: In this case, a generous portion of the front yard is under an easement. There is an opportunity to use that space in better ways, so staff felt points should not be awarded. This is not technically common open space.

Tanda: Can I get a show of hands in support of the remaining four projects as a Livable Community for Excellence?

E Dunne-Mendoza (MC-09-02): None

Campoli-E&H (MC-09-03): None

Monterey-Liou (MC-09-05): None

## PLANNING COMMISSION MEETING MINUTES

JANUARY 12, 2010

PAGE 5

Santa Teresa-Garcia (MC-09-07): Tanda, Moniz and Koepp-Baker voted in favor (it would require four votes to have the majority necessary to receive a point.)

NO POINTS WERE AWARDED FOR A LIVABLE COMMUNITY OF EXCELLENCE, SINCE NONE OF THE PROJECTS RECEIVED A MAJORITY OF VOTES FROM THE COMMISSIONERS.

### **5) SOLICIT INPUT FOR THE FY2010/11 CIP PROGRAM:**

Engineer Behzad presented her staff report with assistance from Bjarke and Creer. The following items were presented:

1. Park Facilities.
2. Public Facilities
3. Sanitary Sewer
4. Storm Drainage
5. Streets and Roads
6. Water

### **Discussion:**

Mueller: There is an El Toro trail. Is that money that we have on hand now? If we do, should we get the project out to bid?

Escobar: Are the projects that aren't recommended this year because there weren't enough funds or they're not needed?

Behzad: Yes. Some projects are programmed every-other year due to the budget and also due to our utilities Master Plans.

Bjarke: It seems you're recommending we look at some of the possible projects and try to do them this year? It is possible that some projects could be brought forward and done now.

Moniz: Do you already have the right-of-way that you need for the El Toro project?

Bjarke: What we're trying to do is get a trail established with the right-of-way we currently have.

Mueller: We're short of parks. We need to take a look at that and maybe get some land in the north area (Llagas Road) and the area between Tennant and Dunne.

Koepp-Baker: Do we have stimulus funds in place that could be used right now?

Behzad: In doing research, we learned it could take at least another year to find out if the City could receive stimulus funds for Tennant/101. We didn't want to wait any longer and lose the opportunity to get a bid right now and take advantage of lower bidding prices.

Bjarke: We are now being asked to look at a second round of projects that might be considered for stimulus funds. But we don't have a lot of federal aid eligible roads that would qualify for that category.

**PLANNING COMMISSION MEETING MINUTES**

**JANUARY 12, 2010**

**PAGE 6**

Mueller: Is there any possibility that the widening of Santa Teresa could be considered?

Bjarke: We're a long way from that.

Liegl: Would a widening of Highway 101 complicate the Tennant/101 project?

Behzad: I am not aware of any plans for widening Highway 101 outside CalTrans R.O.W.

Mueller: There is a plan for widening 101, but it would be in the middle lanes and would not affect any adjacent lands.

Rowe: Look at the photo in the CIP document. The new lanes will take away from the median.

Escobar: Regarding Galvan park, have we already obtained stimulus funds for that project?

Behzad: I'm not sure if we've received funding yet, but we'll look into it.

Escobar: If funds are not provided, could we get an extension on doing the project?

Tanda: In looking at the plan for the Civic Center, will that include a remodel of the Council Chambers?

Bjarke: There are a couple of options that we're considering. One is a remodel of City Hall, including Council Chambers.

Tanda: Would that be paid through the GOB (General Obligation Bond) funds?

Behzad: Yes.

Koepp-Baker: Would the new council chambers be built out in the quad? Because if we're shrinking our funds, why would we construct a new building? That doesn't make sense.

Bjarke: That would definitely be an item for public discussion.

Tanda: What is City of Morgan Hill's performance on keeping projects on time and within budget?

Behzad: More than 90% of projects are within budget. Staff reports these results to the City Manager every quarter as "Performance Measures." That is part of the City Manager's job to make sure we do this.

Bjarke: We could provide some updated data in April.

Koepp-Baker: It looks like the Aquatics Center will be acquiring new land. What is that for?

**PLANNING COMMISSION MEETING MINUTES**  
**JANUARY 12, 2010**  
**PAGE 7**

Behzad: No, the Aquatics Center will not be acquiring new land--it is to make payments on the land we're currently using.

Moniz: I'd like to go back to the Little Llagas Creek Local Drainage project (p. 27). Why are we spending so much money if we only get 65% of the design documents?

Bjarke: Originally, the idea was to split costs with the Water District to obtain 65% design. We would cover \$3,000,000 and they would pay for the remainder. We have now gone through an extensive RFP (Request for Proposals) process to get design documents.

Moniz: So the City is responsible for \$3,000,000?

Bjarke: Correct, that is the amount that was originally projected. It didn't go up and the final product will be 100 percent design documents.

Moniz: How long will the project take?

Bjarke: Approximately 24 months to design and 36 months to build.

Koepp-Baker: Are we going to get reimbursed from the Federal Government?

Bjarke: We're taking a risk that we might not.

Mueller: We have to keep in mind that this project was started in 1950.

Bjarke: We have to do things in incremental steps. And the Santa Clara Valley Water District has agreed to put in more money than was originally shown on the report.

Mueller: We have a great opportunity to make Llagas Creek a beautiful design on the west side of downtown. We need a good linear trail and we need to get it into this set of design documents.

Bjarke: The challenge of doing that is that it will eat up all the existing right-of-way we have.

Mueller: The new court house was not done as we wanted it because the discussion was not opened early enough. That is why we need to get the discussion and design documents done now.

Koepp-Baker: We need to surface it and make a trail beside it to give the water a place to go when it does flood.

Tanda: How long ago did it flood?

Koepp-Baker: Three weeks ago.

**PLANNING COMMISSION MEETING MINUTES**

**JANUARY 12, 2010**

**PAGE 8**

Mueller: We ought to get a sidewalk on the north side of Main all the way to Live Oak High School.

Koepp-Baker: There are at least three projects that have committed to that, right?

Creer: Yes, there are several projects that have committed to install these improvements; however, none have committed sufficient funds to complete the necessary improvements. The City will ask the Diana-Chan project to install the Main Avenue improvements with their subdivision improvements.

Behzad: We did receive some stimulus funds for pavement rehab projects.

Creer: As we stated before, there are a limited number of streets that can qualify as a federal streets within the City.

Bjarke: The funding formula is based on the population of the cities and the counties, so we are limited as to how much we can get.

Tanda: Regarding the Santa Teresa, is that project one that you believe will be on time and completed in 2011, which is just next year?

Mueller: That is one that City Council put on hold.

Behzad: We will have to go back and revise the schedule for this project, because City Council did place it on hold.

Bjarke: The next version in April will be updated with appropriate dates.

Liegl: Is it true that Santa Teresa will have to go through a hill?

Bjarke: Yes, there will be some cut and fill to try to level out the road.

Liegl: Will you have to build retaining walls?

Bjarke: It's possible.

Liegl: Will it be subject to slides?

Bjarke: We will definitely have to have the geologist take a look at it.

Tanda: Does the City of Morgan Hill have synchronization for any of the traffic signals?

Creer: Traffic signals on several city streets are synchronized; however, Butterfield Boulevard is not one of them.

Tanda: Regarding the safety program in RDCS, do you already have monies in place?

Creer: Yes, the City has Measure C funds budgeted for school safety



## PLANNING COMMISSION MEETING MINUTES

JANUARY 12, 2010

PAGE 9

improvements. The City will be going to bid this spring to install safe route to schools improvements for each of the seven elementary schools within the city limits.

Tanda: Many crashes could be avoided because of education. I feel strongly that we need to use some monies towards education.

Tanda: I have seen that San Jose is converting its street lights to LED. Have we done that?

Creer: No, the City has not converted its street lights yet. However, the Third St Promenade does utilize LED street lights.

Bjarke: The downtown area will be the first phase. The rest of the city will be phased over a 4 year period to replace those lights.

Mueller: Is there federal stimulus money for that?

Bjarke: I believe there is. A study has been done. We could attach that study in the April report.

Tanda: Depot Street seems to be very bright. Vegas would be proud. Is there anything we should change?

Bjarke: The idea was that as the trees grew up the light would be diffused. But the reason for the bright lights was that the downtown merchants and residents indicated they wanted more light.

Moniz: Approximately how many street lights are there in the City?

Behzad: I am not sure. The current plan is to start replacing them downtown and move outward.

Escobar: But if those poles are wired for higher voltage, would they have to be rewired?

Bjarke: The answer is yes, but that is a more technical issue than a civil engineer can answer fully.

Tanda: Can you tell us the status of the Promenade project?

Behzad: As of today, the road was opened. We met with the contractor. The project is considered substantially complete. Final completion will probably take two to three more weeks.

Escobar: What was the scheduled amount of time this project was supposed to take?

Bjarke: The project began in earnest in July 2009. There have been some delays but they haven't resulted in increased costs.

## PLANNING COMMISSION MEETING MINUTES

JANUARY 12, 2010

PAGE 10

Behzad: The project is under budget.

Tanda: The project is under budget, but it seems to be over time. Would that put it in the category of the 10% of projects that didn't meet the contract time?

Behzad: Right now, the project is considered on time based on all the approved change orders.

Mueller: So you've made provisions for change orders and weather delays?

Behzad: Correct.

Bjarke: Technically, the 90% statistic referred to earlier only tracks projects under budget. It doesn't track the schedules of projects.

Koepp-Baker: Do we have any numbers regarding the loss of revenues to downtown businesses due to the Third Street construction?

Bjarke: No, but we have tried to give support to downtown businesses.

Koepp-Baker: How was the contractor chosen?

Bjarke: The contractor chosen was the one with the lowest bid. However, this is a very unusual project with all pavers. None of the contractors who competed had ever done such a project before.

Tanda: We look forward to completion. Is there going to be a ribbon cutting?

Behzad: Yes, probably in February.

Tanda then closed the discussion of Agenda Item No. 5

### ANNOUNCEMENTS / COMMISSIONER IDENTIFIED ISSUES

None.

### CITY COUNCIL REPORTS

None.

### ADJOURNMENT

Noting that there was no further business for the Planning Commission at this meeting, Chair Tanda adjourned the meeting at 9:45 p.m.

## MINUTES RECORDED AND TRANSCRIBED BY:

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**ELIZABETH BASSETT, Development Services Technician**